



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------|------------------------------------|------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------|----------------------------------------------|
| MEETING DATE July 15, 2005 EFFECTIVE DATE July 29, 2005 | CONTACT/PHONE Stephanie Fuhs (805) 781-5721 | APPLICANT Jimmie and Kathy Howell | FILE NO. DRC 2004-00235 | | | | |
| SUBJECT Hearing to consider a request by Jimmie and Kathy Howell for a Minor Use Permit to allow modification of the limitation on the maximum distance requirement of a secondary dwelling from a primary dwelling from 250 feet to approximately 310 feet to allow a 1,200 square foot secondary dwelling, 400 square foot laundry and storage area and attached 575 square foot garage. The proposed project is within the Residential Suburban land use category and is located at 1331 Via Mar Sol, approximately 215 feet west of Erhart Road, approximately ½ mile north of the City of Arroyo Grande, in the San Luis Bay (Inland) planning area. | | | | | | | |
| RECOMMENDED ACTION Deny Minor Use Permit DRC2004-00235 based on the findings listed in Exhibit A. | | | | | | | |
| ENVIRONMENTAL DETERMINATION This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), and Guidelines Section 15042, which provides that CEQA does not apply to projects which a public agency rejects or disapproves. | | | | | | | |
| LAND USE CATEGORY Residential Suburban | COMBINING DESIGNATION None applicable | ASSESSOR PARCEL NUMBER 044-531-005 | SUPERVISOR DISTRICT(S) 4 | | | | |
| PLANNING AREA STANDARDS: None applicable <i>Does the project meet applicable Planning Area Standards:</i> Not applicable | | | | | | | |
| LAND USE ORDINANCE STANDARDS: 22.10.090 – Height Measurement, 22.10.140 – Setbacks, 22.30.470 – Residential- Secondary Dwellings <i>Does the project conform to the Land Use Ordinance Standards:</i> No - see discussion | | | | | | | |
| FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on July 29, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed. | | | | | | | |
| EXISTING USES: Single family residence | | | | | | | |
| SURROUNDING LAND USE CATEGORIES AND USES: <table style="width: 100%;"><tr><td style="width: 50%;"><i>North:</i> Residential Rural/Scattered Residences</td><td style="width: 50%;"><i>East:</i> Residential Rural/Scattered Residences</td></tr><tr><td><i>South:</i> Residential Suburban/Residences</td><td><i>West:</i> Residential Suburban/Residences</td></tr></table> | | | | <i>North:</i> Residential Rural/Scattered Residences | <i>East:</i> Residential Rural/Scattered Residences | <i>South:</i> Residential Suburban/Residences | <i>West:</i> Residential Suburban/Residences |
| <i>North:</i> Residential Rural/Scattered Residences | <i>East:</i> Residential Rural/Scattered Residences | | | | | | |
| <i>South:</i> Residential Suburban/Residences | <i>West:</i> Residential Suburban/Residences | | | | | | |
| <small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small> | | | | | | | |

| | |
|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CDF, City of Arroyo Grande | |
| TOPOGRAPHY: Gently to steeply sloping | VEGETATION: Grasses, forbs, manzanita, pines, oak woodland |
| PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF | ACCEPTANCE DATE: June 1, 2005 |

DISCUSSION

The applicant is proposing a 1,200 square foot secondary dwelling, 400 square foot laundry and storage room and attached 575 square foot garage (2,175 square feet total) located approximately 310 feet from the existing primary residence on an eight acre parcel. The existing primary residence and garage is 2,850 square feet. The Minor Use Permit is required because the applicant is requesting a waiver of the distance requirement for secondary dwellings from a primary dwelling from 250 feet to 310 feet.

LAND USE ORDINANCE STANDARDS:

22.10.090 – Height Measurement: The height limit is 35 feet. As proposed, the project meets this standard.

22.10.140 – Setbacks: The front setback required is 25 feet. The required rear and side setbacks are 30 feet. As proposed, the project meets these standards.

22.30.470 – Residential- Secondary Dwellings: Standards for secondary dwellings on parcels over five acres served by on-site well and septic tanks include a size limitation of 1,200 square feet exclusive of an attached garage and a distance limitation for locating the secondary dwelling of 250 feet from the primary dwelling. This section of the Land Use Ordinance also allows the Review Authority to approve exceptions to design standards to allow a secondary dwelling to be located farther than 250 feet from the primary residence.

STAFF COMMENTS:

Planning staff's policy when reviewing and approving secondary dwelling waiver requests has been to determine if there is a location on the site within 250 feet of the primary residence that would adequately accommodate the secondary dwelling that would lessen the amount of site disturbance, would not involve a significant amount of vegetation removal, and would not increase drainage and sedimentation and erosion control issues.

From a visit to the project site, it appears that adequate area exists within 250 feet of the existing residence along the existing driveway for a secondary residence. This would decrease the amount of site disturbance and would not involve the removal of any significant vegetation or oak trees. The current proposal shows the removal of five mature oak trees, as well as a pine tree, and some native shrubs, including manzanita. Due to Public Works requirements for a 16-foot driveway (current plans show a 12-foot driveway) and CDF standards for vegetation clearance of between 30 and 100 feet in high severity fire areas, several additional oak trees would be removed and/or impacted with the current proposal from grading for the proposed driveway and secondary residence. In addition, the proposal includes a drainage swale crossing and installation of a new culvert and rip-rap along the swale.

Staff requested policy direction at a Board of Supervisors hearing of a secondary dwelling appeal (Nickerson, October 2002). At the hearing, the Board advised staff that the policy regarding distance waivers as discussed above was the correct approach. The Board also stated that secondary dwellings should not be larger than 1,200 square feet, exclusive of a garage.

In addition, new state law (Kuehl Bill SB 1334) requires additional oak woodland protection above the County's current mitigation measures. These measures include oak tree replacement for any trees removed above 5 inches with a seven year monitoring period, open space/conservation easements and potential in-lieu fees for oak woodland areas impacted by development. As stated previously, five oak trees are proposed for removal with the grading for the proposed driveway and construction of the secondary dwelling, with additional impacts in order to comply with Public Works and CDF requirements. This would require mitigation measures to reduce impacts from the proposed project to a level of insignificance. Due to the recommendation for denial, no comprehensive environmental review has been completed to determine additional environmental impacts of the project.

AGENCY REVIEW:

Public Works – Conditions for 16-foot on-site driveway, 18-foot off-site driveway serving the parcel from Erhart Road

CDF – Verbal comments received

City of Arroyo Grande – Appears to be separate residence on separate parcel, requests City traffic and fire impact fees.

LEGAL LOT STATUS: The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Kami Griffin, Supervising Planner

EXHIBIT A - FINDINGS

CEQA Exemption

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), and Guidelines Section 15042, which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Minor Use Permit

- B. The design of the secondary dwelling and the proposed improvements will cause environmental damage to wildlife and/or their habitat because the currently proposed location of the secondary dwelling and driveway will result in the removal of five mature oak trees, manzanita and other native vegetation. Additional impacts and vegetation removal will result from compliance with Public Works and CDF road and vegetation clearance standards.

Secondary Dwelling Adjustments

- C. Modification of the maximum floor area for secondary dwellings from 1,200 square feet to allow a secondary dwelling with an additional 400 square feet of laundry and storage area is not justified because the proposal is inconsistent with the Board of Supervisors policy direction that secondary dwellings cannot exceed 1,200 square feet, exclusive of an attached garage.
- D. Modification of the distance a secondary dwelling can be located from a primary dwelling from 250 feet to allow a secondary dwelling to be located 310 feet from the primary dwelling is not justified because there are areas on the project site along the existing driveway that would not result in any tree removal or significant vegetation clearance. The proposed location of the secondary dwelling would result in an increase in site disturbance including removal of five mature oak trees and other native vegetation, and require crossing a drainage swale which would not be necessary if the residence were located in an area along the existing driveway where significant vegetation and drainage swales do not exist.



BF 5

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

MAY 17 2005

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

5/2/05

FROM

RW

FROM
TO

South Co. Team

(Please direct response to the above)

Howell

DRC 2004-00235

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION:

MUP -> secondary dwelling & waiver
to eliminate distance standard requirement. Located
off Via Mar Sol in Arroyo Grande. APN: 044-531-005
Located on 7.75 acres.

Return this letter with your comments attached no later than:

5/17/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Recommend Approval with a few adjustments as noted.

WHY WOULD WE NOT INCLUDE LAUNDRY IN HOUSE AREA? LOOKS LIKE A SIGNIFICANT

2ND FLOOR WITH GABLE WINDOWS, ETC - PLANNING TO ADD/FINISH ROOMS IN FUTURE?

DRIVEWAY IS NOW A ROAD (SERVES MORE THAN ONE LOT) NEEDS TO BE 18 FT WIDE.

ROAD SURFACE TO BE CHIPSEAL OR BETTER. ON-SITE DRIVEWAY NEEDS TO BE 16 FT WIDE.

LARGE NORTH ARROW ON SHEET 1 - SITE PLAN IS BACKWARD (SMALL ARROW IS CORRECT).

20 May 2005

Goodwin

5252
Phone

San Luis Obispo County Department of Planning and Building

File No

☐ Emergency Permit ☐ Tree Permit ☐ Plot Plan
☐ Zoning Clearance ☐ Site Plan ☒ Minor Use Permit
☐ Conditional Use Permit/Development Plan ☐ Variance
☐ Surface Mining/Reclamation Plan ☐ Curb, Gutter & Sidewalk Waiver
☐ Other ☐ Modification to approved land use permit

☐ Landowner Name JIM & KATHLEEN HOWELL Daytime Phone 409.3578
 Mailing Address 1331 VIA MAR SOL, ALZARIP Zip 93420
 Email Address: GRANDE

☐ Applicant Name SAME AS ABOVE Daytime Phone _____
 Mailing Address _____ Zip _____
 Email Address: _____

☐ Agent Name THOMAS MARTIN Daytime Phone 514.4398
 Mailing Address 697 HIGHERA ST SUITE A Zip 93401
 Email Address: SAN LUIS OBISPO, CA

Total Size of Site: 7.75 ACRES Assessor Parcel Number(s): 044-531-005
Legal Description: PARCEL 4, CO T2-122, PER PARCEL MAP BK 10, PG 11, COUNTY SLO, CA
Address of the project (if known): 1331 VIA MAR SOL, ARROYO GRANDE, CA
Directions to the site - describe first with name of road providing primary access to the site, then
nearest roads, landmarks, etc.: 101 TO OAK PARK RD TO OLD OAK PARK RD.
LEFT ON ERHART THAN LEFT ON VIA MAR SOL
Describe current uses, existing structures, and other improvements and vegetation on the property:
RESIDENCE W/ ONE HOUSE

Describe the proposed project (inc. sq. ft. of all buildings): ADD SECONDARY DWELLING
(1200 SF.) W/ ATTACHED GARAGE

I, the owner of record of this property have completed this form accurately and declare that all statement here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

Property owner's signature AGENT _____ Date 22 APR 05

Reason for Land Use Permit:

Reason for Land Use Permit: _____



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED

MAY 04 2005

CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT

Howell

DRC 2004-002
Project Name and Number

THIS IS A NEW PROJECT REFERRAL

DATE:

5/2/05

TO:

City of A.G.

FROM:

South Co. Team

(Please direct response to the above)

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
BOARD FOR THE PLANNING

PROJECT DESCRIPTION: MUP -> secondary dwelling & waiver
to eliminate distance standard requirement. Located
off Via Mar Sol in Arroyo Grande. APN: 044-531-005
Located on 7.75 acres.

Return this letter with your comments attached no later than:

5/17/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X

YES
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

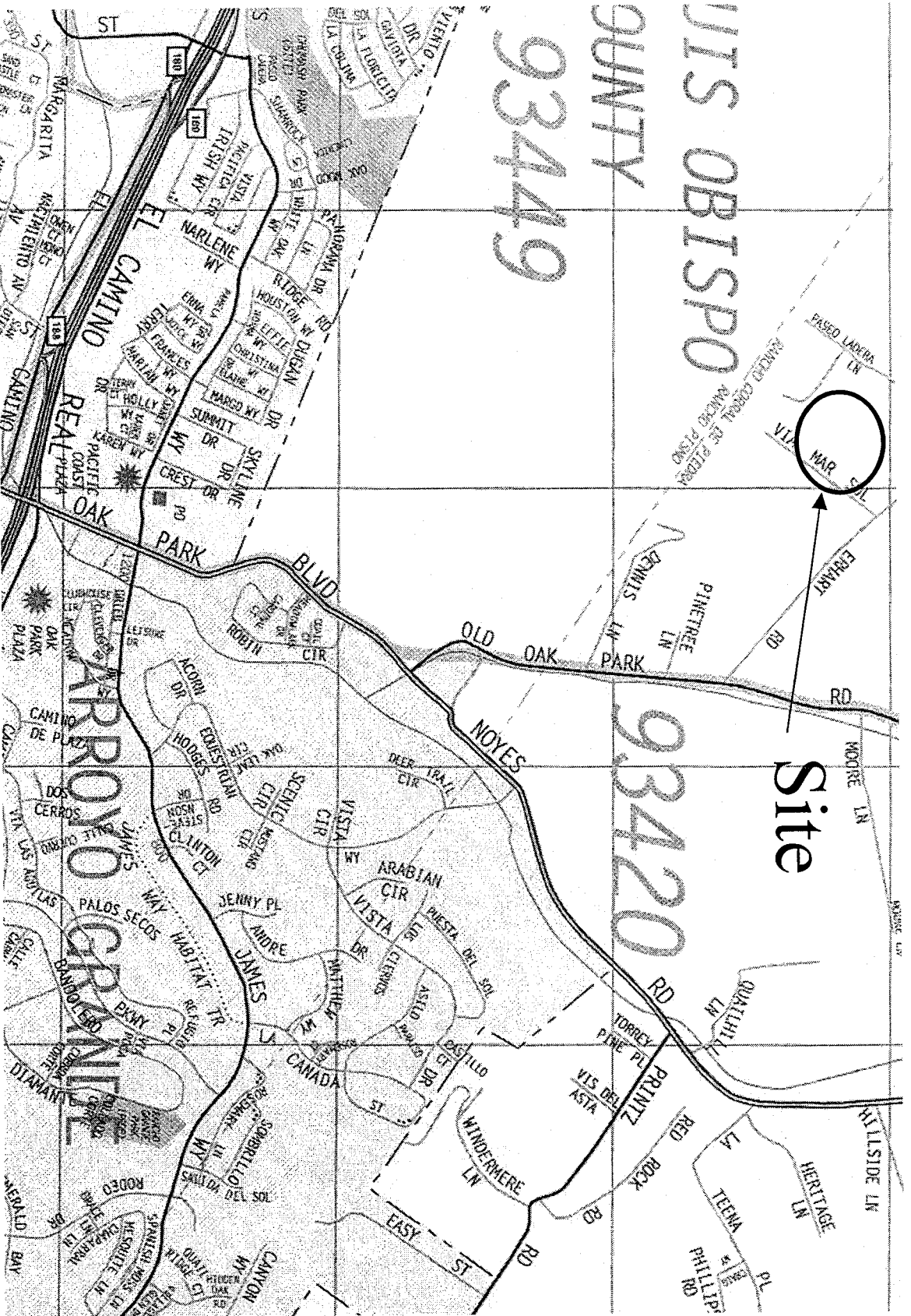
PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

It is evident that this will be a separate 3-1/2 residence on its own
 driveway and future separate parcel (of less than 5 ac); despite RR zone
 adjoins RS. Might as well allow split with restriction against secondary
 dwellings on both parcels to stop pretending it won't happen. Request City
 traffic and fire impact fees for new development in addition to County fees.

May 5, 2005
Date

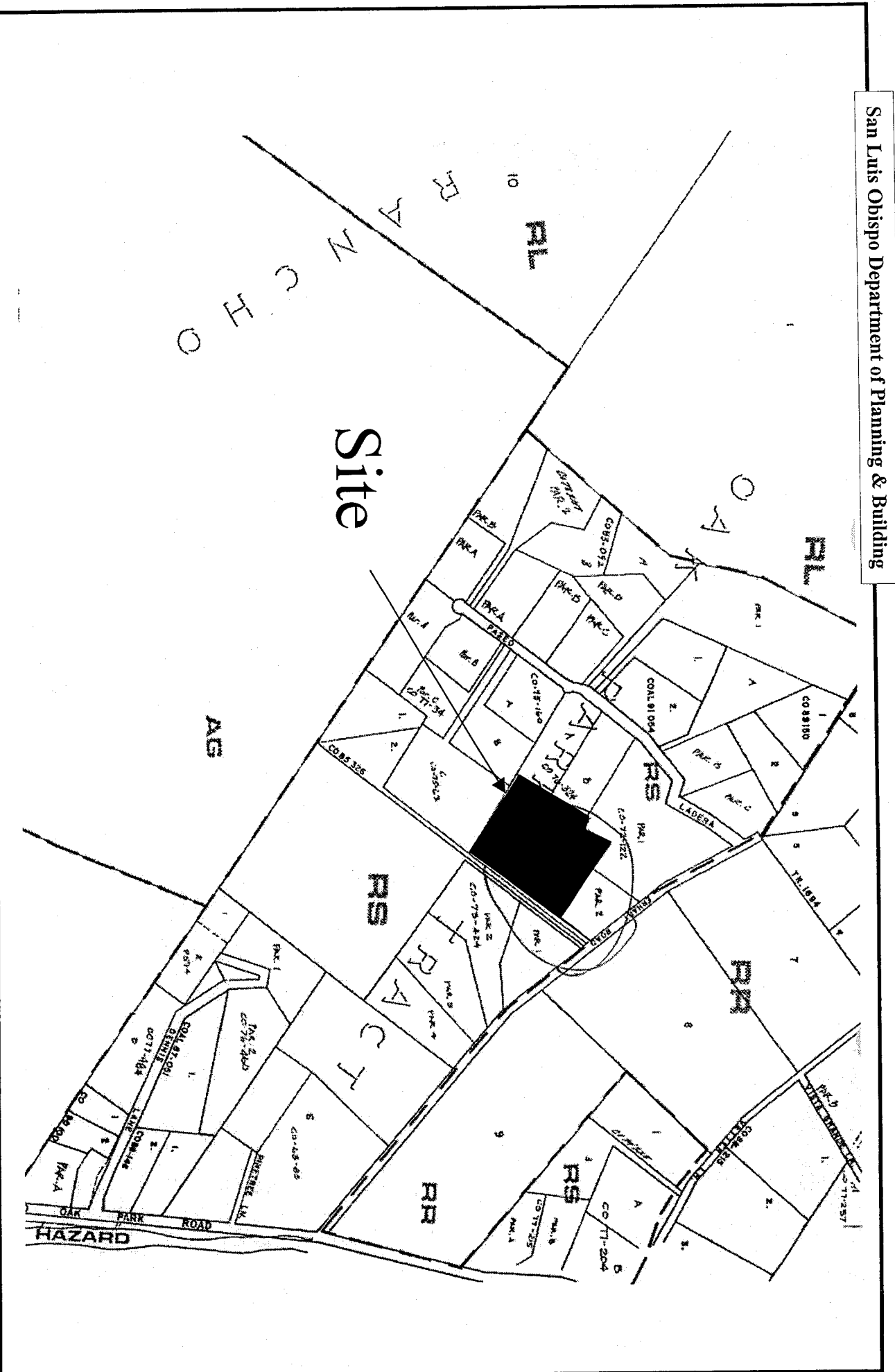
Rob Strong, Community Development Director 4735420
Name City of Arroyo Grande Phone



Project
Howell Minor Use Permit
DRC2004-00235



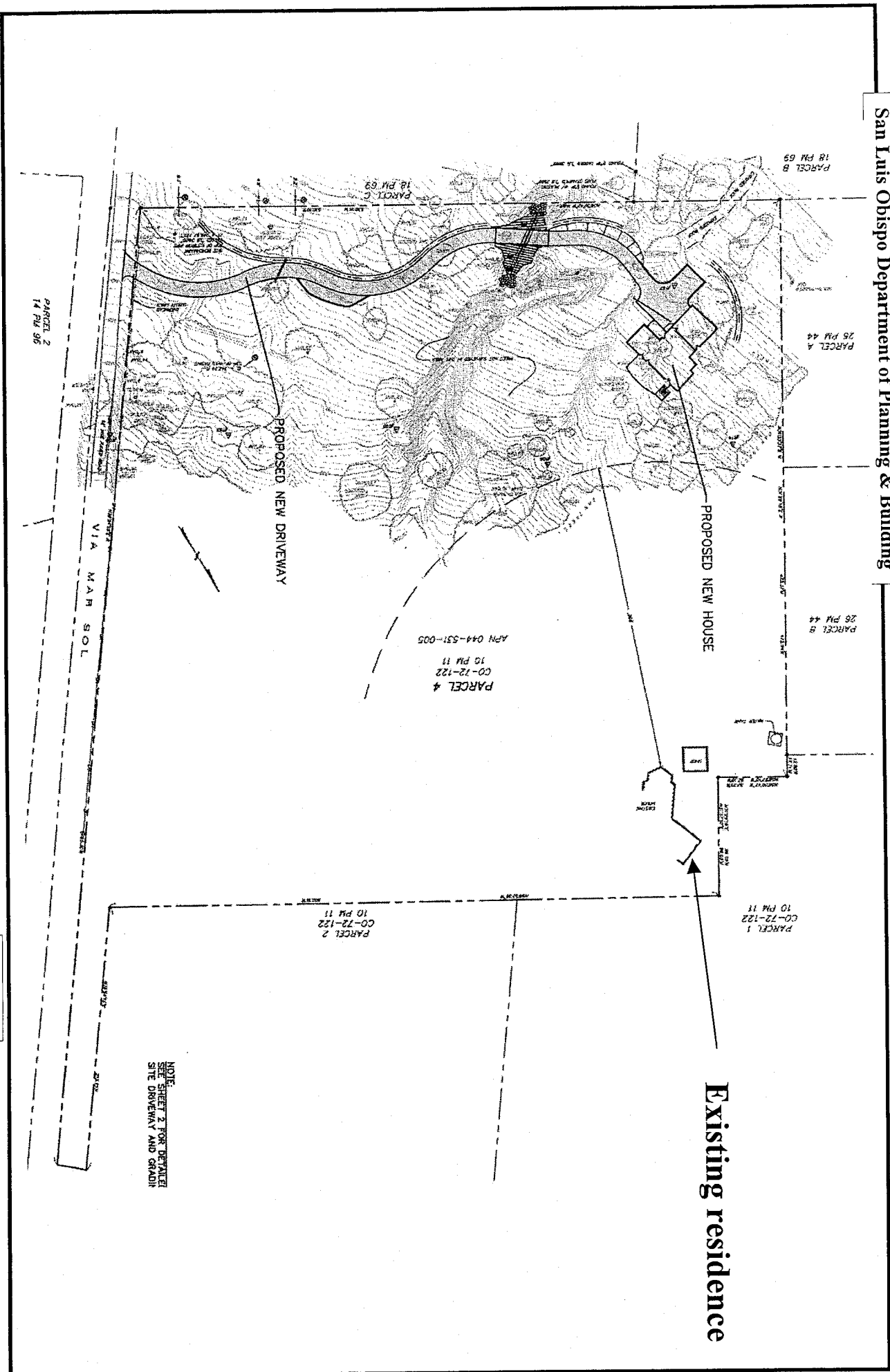
Exhibit
VICINITY MAP



Project
Howell Minor Use Permit
DRC2004-00235



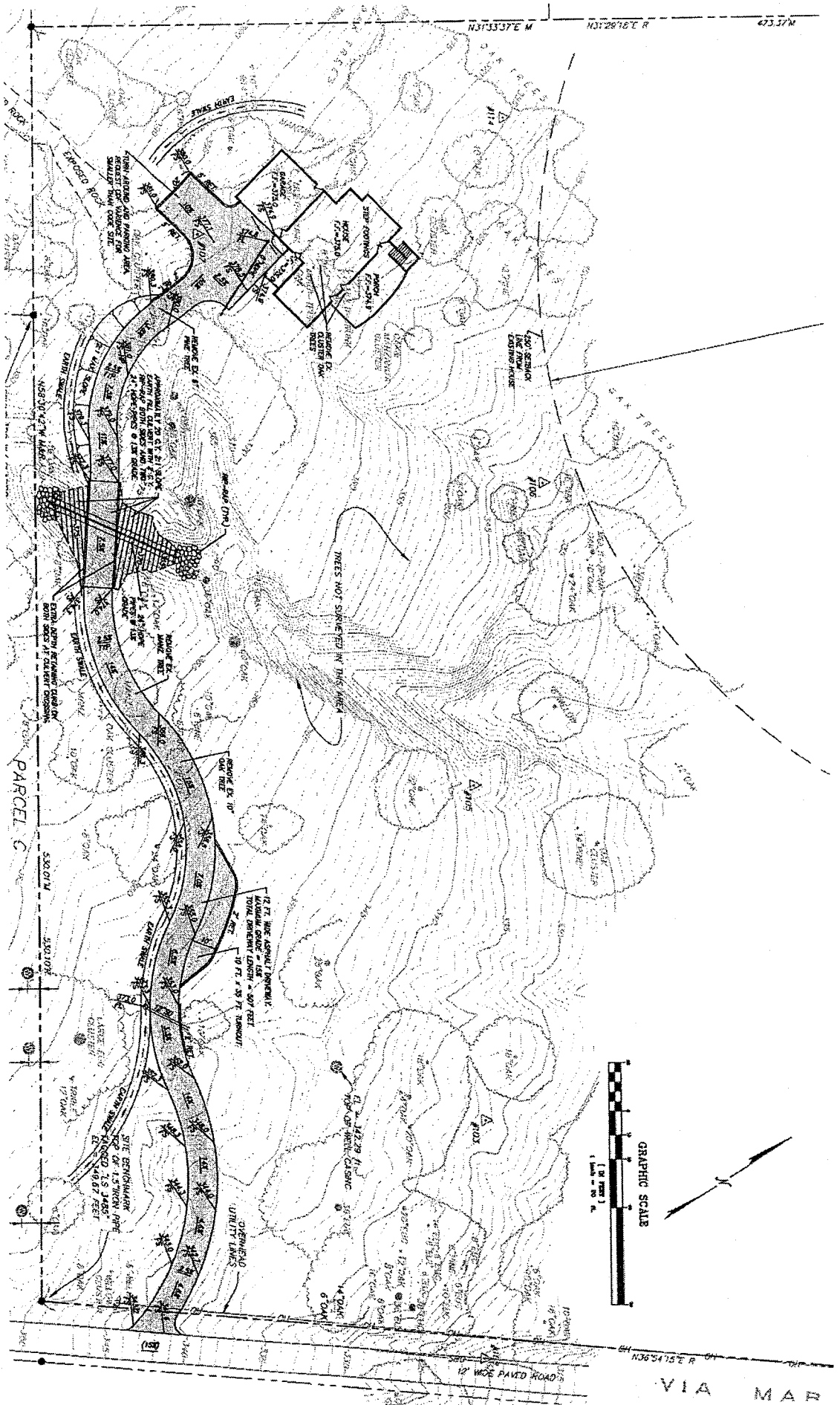
Exhibit
Land Use Category Map

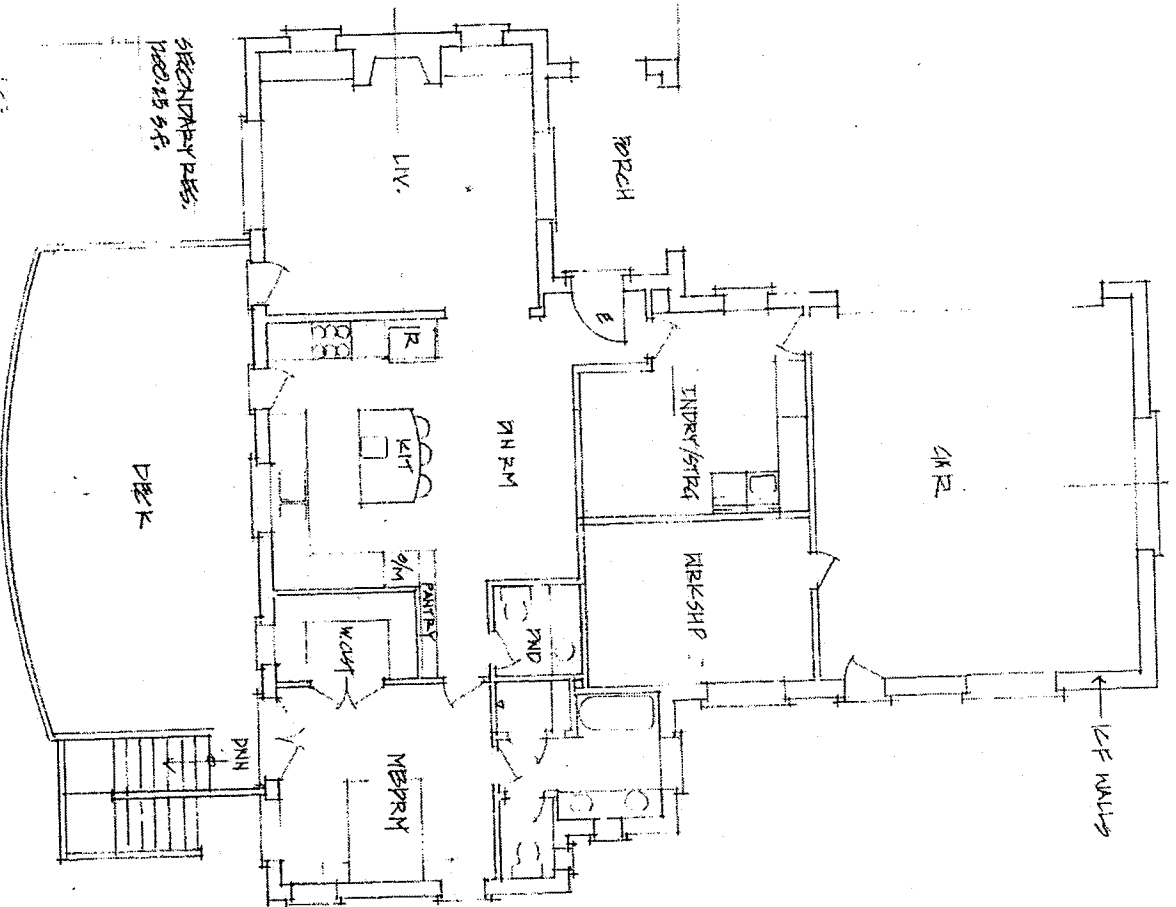


Project Use Permit
Howell Minor
DRC2004-00235



Exhibit
Overall Site Plan

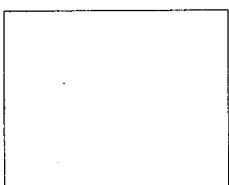
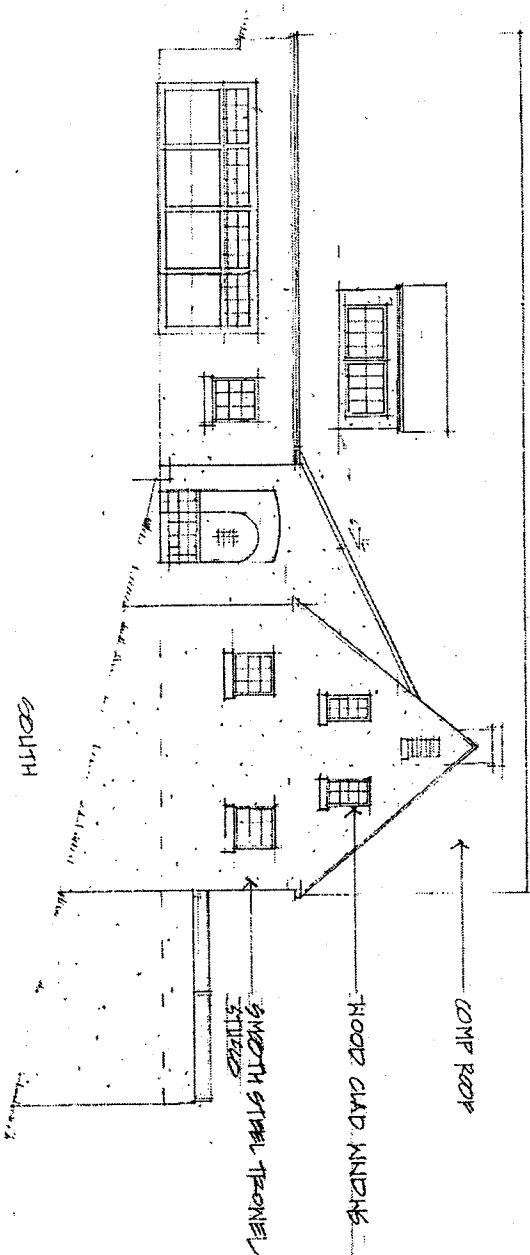
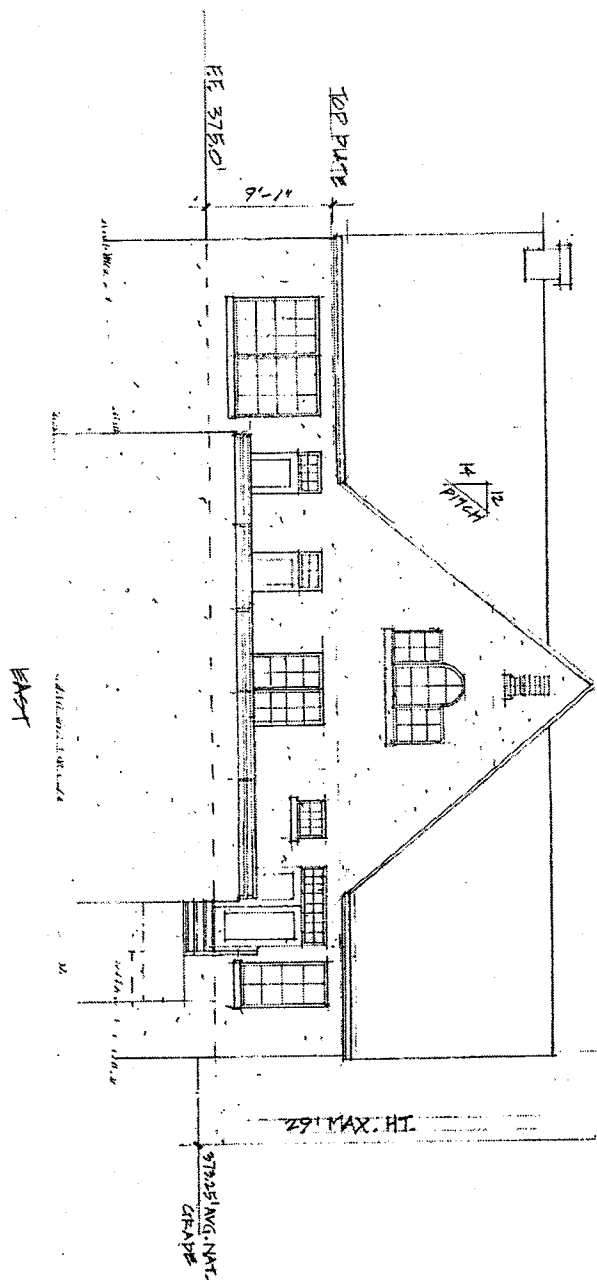




Project
Howell Minor Use Permit
DRC2004-00235



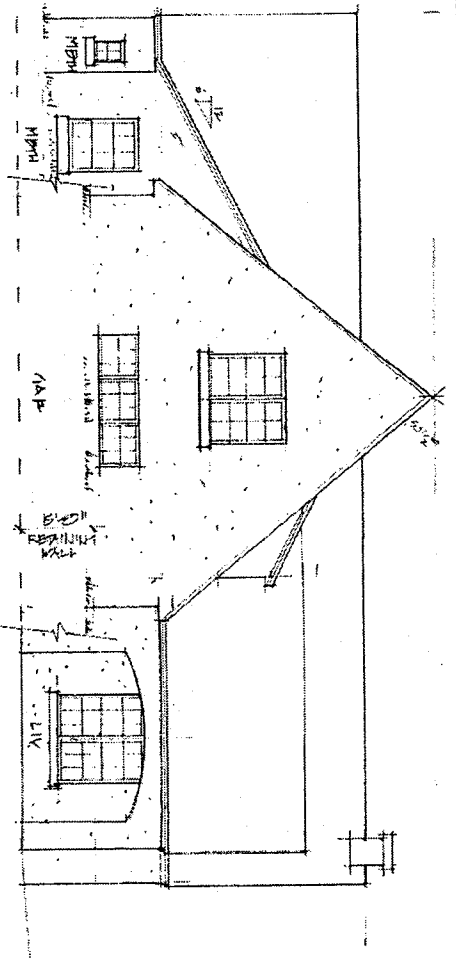
Exhibit
Floor Plan



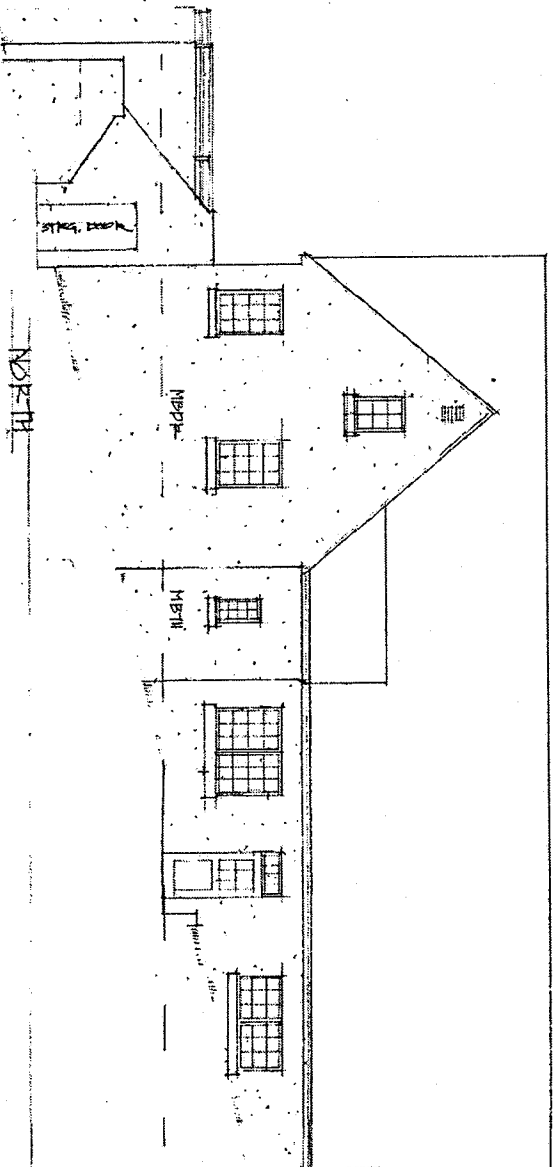
Project Use Permit
Howell Manor
DRC2004-00235



Exhibit
Elevations



FRONT
1/2\"/>



SIDE
1/2\"/>

Project
Howell Mind Use Permit
DRC2004-00235



Exhibit
Elevations